

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,) CR20-215-RSM
Plaintiff,) SEATTLE, WASHINGTON
v.) October 8, 2021
SAMANTHA FRANCES BROOKS,) 9:00 a.m.
Defendant.) Sentencing Hearing

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: Philip Kopczynski
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1 THE CLERK: This is the matter of the United States
2 versus Brooks, case No. CR20-215 assigned to this court.
3 Counsel, will you please make your appearances for the
4 record.

5 MR. KOPCZYNSKI: Good morning, Your Honor. Philip
6 Kopczynski for the United States.

7 THE COURT: Counsel.

8 MS. SHAW: Good morning, Your Honor, Michele Shaw
9 present with Sam Brooks -- I'm sorry, Samantha Brooks, seated
10 to my left, out of custody. And there are also family
11 members and friends present on behalf of Ms. Brooks.

12 THE COURT: Thank you, Ms. Shaw.

13 Counsel, a word of COVID protocol. We have decided as a
14 district that we'd like everyone to remain masked in the
15 courtroom, unless you're speaking, in which case if you are
16 fully vaccinated and you feel comfortable, you may lower your
17 mask when you speak. There's no requirement that you go to
18 the podium, if you do not want to. You are just as welcome
19 to stay at counsel table and speak into the microphone. Let
20 me remind you that if you choose to leave your mask on when
21 you're speaking, please do your best to slow down a little
22 bit, speak as distinctly as you can. That will help out our
23 court reporter.

24 We are here for sentencing on a single count. Let me
25 indicate for you and for our record exactly what the court

1 has received and had a full and complete opportunity to
2 review prior to our hearing this morning.

3 The court has reviewed the plea agreement of the parties,
4 the government's sentencing memorandum, the defendant's
5 sentencing memorandum, with all of the exhibits and the
6 letters of support. The court has reviewed the presentence
7 investigation report prepared by U.S. Probation Officer Sara
8 Moore. Ms. Moore is also present with us in the courtroom
9 this morning.

10 And, finally, the court has had a chance to review the
11 release status report in this case submitted by U.S.
12 Probation Officer Daniel Acker. Trusting the parties have
13 had that same opportunity as the court to fully review all of
14 these materials, Mr. Kopczynski, if I could have the
15 government's recommendation, first of all.

16 MR. KOPCZYNSKI: Yes, Your Honor. The government is
17 recommending a year and a day of custody and three years of
18 supervised release.

19 THE COURT: Anything else you'd like to say in terms
20 of the rationale for the government's recommendation?

21 MR. KOPCZYNSKI: Sure. And if I may, I'll go to the
22 podium.

23 THE COURT: You may.

24 MR. KOPCZYNSKI: So, thank you, Your Honor.

25 The court, of course, is well familiar with this case.

1 The court has just mentioned the written material that I
2 understand Your Honor has reviewed. Of course, also we now
3 have in the record the trial of the co-defendant in this
4 case. And from that overall record, to the government's way
5 of thinking, there are two overriding factors in this case
6 that deserve the court's attention at today's sentencing.
7 And those are the seriousness of this offense and the need
8 for general deterrence. So I'll take those in that order.

9 The seriousness of the offense. You know, the court has
10 seen the PSR and heard about this subject at trial, the
11 number of law enforcement personnel that responded when this
12 defendant and the co-defendant were found that night, nearly
13 a year ago, it was three, four, five people that quickly went
14 to the scene. They had the cameras set up. There was an
15 officer from BNSF who was watching those cameras. I think it
16 was a Saturday night, it's near midnight, yet he still is
17 keeping an eye on those cameras. They are rushed to the
18 scene. That is reflective of the fact that this is
19 extraordinarily dangerous conduct.

20 We have seen, just in this past year in this country, and
21 in Western Washington, the consequences when things go wrong
22 with these big, massive freight trains. And we know that
23 night a freight train, carrying dozens of cars of crude oil,
24 was scheduled to come through this exact spot where this
25 defendant placed a shunt on the rails. So this is just

1 exceptionally dangerous conduct.

2 And I appreciate the defendant, as part of the presentence
3 process, has stated not only full acceptance of
4 responsibility, but perhaps some notion they perhaps didn't
5 appreciate the full gravity of the situation. And that may
6 be true to a degree, but we must recognize any person who is
7 messing around with the rails for a freight train would
8 appreciate that that is serious business. Any person who
9 messed around with the signaling system for a traffic light,
10 would know they're doing something that is dangerous. That
11 is basic common sense.

12 And we think to interfere with a railroad in this fashion,
13 no matter the motivation, is just exceptionally dangerous
14 conduct. It is fortunate that nothing worse happened than it
15 did, that the shunt was discovered right away. And the
16 seriousness of the offenses is of great importance today, as
17 the court considers the sentence.

18 Related to all that is what I think is the second point
19 here, Your Honor, and that is the notion of general
20 deterrence. The court, again, is well familiar with the
21 record here. There were, last year in Western Washington,
22 dozens of shunting incidents. Some of this is in the PSR.
23 The notion that at least out in the sort of public domain
24 this idea that this was an act of environmental activism or
25 sympathy with the causes of indigenous people, again, the

1 matter, the motivation, this is just exceptionally dangerous
2 and inappropriate conduct. And to have dozens of those
3 incidents, makes it only a matter of time before one of them
4 results in a great disaster.

5 And fortunately, those have just completely fallen off a
6 cliff. After this case, these arrests -- and I am in no way
7 saying that the two defendants here are responsible for those
8 other incidents -- but the fact is, this arrest, this case,
9 this prosecution, it has made a difference. The shunting
10 incidents have stopped. And we think the court today, at the
11 conclusion of this important case, can send the message that
12 this behavior is not acceptable. And we think the
13 appropriate message is a guideline sentence.

14 We recognize the acceptance of responsibility that's
15 terrifically important. The guidelines account for that. We
16 recognize this defendant had a lesser role in the offense.
17 The guidelines also account for that. Once those factors are
18 accounted for, we think the appropriate sentence is at the
19 low end of the guidelines; that's a year and a day.

20 Thank you, Your Honor.

21 THE COURT: Thank you, counsel.

22 Ms. Shaw?

23 MS. SHAW: Yes, Your Honor.

24 Your Honor, respectfully, I'm fully vaccinated, so is my
25 client, and my client wishes to address the court this

1 morning, and they would also like to remove their mask when
2 addressing Your Honor.

3 THE COURT: That's fine.

4 MS. SHAW: Your Honor, the defense recommendation
5 today is that the court would sentence Sam Brooks -- my
6 apologies -- Samantha Brooks, to 18 months of location
7 monitoring, followed by 36 months of supervised release, and
8 100 hours of community service. This recommendation is a
9 very slight deviation from the advisory range of
10 imprisonment. And we're basing this recommendation on the
11 seriousness of the offense, specific and general deterrence,
12 and the history and characteristics of Ms. Brooks.

13 Your Honor, this sentence is indeed a punitive sentence to
14 Ms. Brooks. It significantly impacts their freedom for a
15 long time. However, the most important factor to Ms. Brooks
16 at this time is that they keep their job. It took them ten
17 months to find any type of work, Your Honor. And that was
18 because, when people would run Ms. Brooks' background, the
19 nature of the charge, and the Internet is full of information
20 about this case, this is the first job that they've had at
21 this time.

22 They have medical insurance and they have health benefits,
23 which allows them to take care of medical issues that they're
24 dealing with, along with the weekly mental health therapy
25 with Doug McClosky, which is a core part of Ms. Brooks'

1 stability at this time.

2 As stated in my memorandum, Ms. Brooks has struggled a lot
3 since their arrest on this. It's completely turned their
4 life upside down. They were suspended from college.

5 Fortunately, they were allowed to return and finish the two
6 weeks of undergrad, because they had the support of many
7 professors. However, on their transcript now, Your Honor, is
8 that mark, it's indelible. It's there forever.

9 And so Ms. Brooks' dreams of going to graduate school may
10 not ever be met. But they're going to try, they are
11 determined. They are prepared to take an online course, or
12 do whatever it might take. But they know that it will take
13 extra time now.

14 The proposed sentence is one that absolutely does
15 recognize the seriousness of the offense. Ms. Brooks
16 understands very clearly, Your Honor, that punishment is a
17 part of this process. And Ms. Brooks is not suggesting at
18 all that punishment is not appropriate in this case.

19 I would ask the court respectfully to consider other forms
20 of punishment besides a simple custodial sentence, because as
21 the court knows, these cases affect every facet of our
22 client's life. There's been a tremendous amount of press on
23 this case, and many reporters, regrettably, continue to refer
24 to Ms. Brooks as a terrorist. This is an enduring
25 punishment. It's a punishment that will last, perhaps, for a

1 lifetime. In many respects, I don't know how to say it
2 respectfully, but Ms. Brooks has been branded a terrorist.
3 And I would ask the court to consider that.

4 We've talked about the education significance, the job
5 loss, the health benefits loss, but also, Your Honor, in
6 terms of history and characteristics, I think it's important
7 to recognize that Ms. Brooks lost their support community in
8 Bellingham, which was a huge issue to them, given their
9 teenage years growing up that were full of vitriol,
10 harassment, and the threat of violence on a very frequent
11 basis, due to Ms. Brooks' sexual identity. Ms. Brooks'
12 spirit, relationships, and mental health, suffered a great
13 deal during that time.

14 With respect to specific deterrence, a custodial sentence
15 is absolutely not necessary. Ms. Brooks has left -- led, I
16 apologize, excuse me, an exemplary life outside of this
17 incident. And there's no factors to suggest that Ms. Brooks
18 is a risk to the community for future criminal offense
19 behavior.

20 Regarding general deterrence, I want to let the court know
21 -- I don't believe that it's in any of our pleadings, that
22 the government is fully aware, I believe, and I don't think I
23 heard anything different today, that Ms. Brooks has
24 absolutely no connection to any prior shunting incidents.
25 They have never associated themselves with the anarchist

1 group. Ms. Brooks is not an anarchist. They've never chosen
2 to identify themselves with that group of people.

3 Regarding the other -- excuse me, regarding whether or not
4 there have been other shunting incidents related to the group
5 that was, indeed, probably responsible for the 40-plus
6 shunting incidents that the government referred to, for those
7 that were opposing the Coastal GasLink Pipeline Project,
8 those have ceased. The government stated that this morning.

9 The trial and conviction of Ms. Reiche also received a
10 great deal of press and media attention, and has likely also,
11 Your Honor, served as a deterrent to others who may be
12 thinking of engaging in this behavior.

13 Ms. Brooks is an absolutely incredible human being.
14 They're selfless, they're gifted, intelligent, generous. And
15 as stated in one of the letters, they're driven by deep
16 principles, with a fierce commitment to protect and elevate
17 the vulnerable. They've immersed themselves in education.
18 They have an incredible sense of what it means to be a part
19 of a community for a young person their age.

20 At the time this incident occurred, or shortly before,
21 they were serving the community by working serving the
22 homeless population that were camped out in front of the City
23 of Bellingham building there.

24 They were doing this work. They were winterizing tents.
25 They were taking people to medical appointments. They were

1 going and sitting with them in the hospital, while they were
2 taking a full college load, and while they were working
3 30 hours a week. This is demonstrative of who their soul is.
4 This is a very, very good human being, with so much
5 potential.

6 Ms. Brooks must start to rebuild their life. They have
7 the support of their family. They have a job right now.
8 They're willing to be on house arrest for 18 months. The
9 36 months of strict supervision is no problem for Ms. Brooks.
10 They have been absolutely in strict compliance with
11 everything that U.S. Pretrial Services expects. The
12 100 hours of community service is something Ms. Brooks would
13 love to do. It's a part of their life. There are many forms
14 of punishment in this case, and I would respectfully ask the
15 court to consider the different forms of punishment that,
16 again, will be enduring for Ms. Brooks.

17 And while a custodial sentence is also a punishment,
18 defense respectfully requests that the court adopt our
19 recommendation, which is a sentence that is appropriate but
20 not greater than necessary.

21 Your Honor, I also want to state, while it hasn't been a
22 part of any 5K motion or cooperation, that my client did sit
23 down and meet with the government. My client did meet with
24 an agent. They didn't have anything to offer, but their
25 spirit of cooperation in this case in wanting to say: Yes, I

1 did this; yes, I'm sorry, I'm accepting responsibility, in my
2 opinion went far beyond simply pleading guilty.

3 I have spent hundreds of hours with Ms. Brooks. And I
4 respectfully request that Your Honor consider the history and
5 characteristics of Ms. Brooks. What they've accomplished in
6 their lifetime, what they have to give, and the significant
7 loss it would be at this time in their life, to lose this
8 job, to lose health benefits, and to lose the weekly
9 counseling.

10 Thank you, Your Honor.

11 THE COURT: Thank you, Ms. Shaw.

12 MS. SHAW: May my client address the court?

13 THE COURT: She may.

14 Good morning. There's no requirement this morning that
15 you say anything, at all. However, you absolutely have the
16 right to address the court, before the court decides what the
17 appropriate punishment should be in this case. But I have --
18 I know you've got something prepared, and I read all the
19 letters of support that were submitted on your behalf.
20 Ms. Shaw is an excellent attorney, I've known her basically
21 her entire career. She's advocating as well as she possibly
22 can for you.

23 But in your comments this morning, I want you to tell me
24 what in the world would you say to other young, perhaps
25 naive, would-be protestors, that think that they've got to go

1 to this extent to protest what may be a very worthwhile goal.
2 The press is going to report this. Everybody is going to
3 read about it. The fact that there have been no other
4 shunting incidents since this arrest means everybody is kind
5 of waiting to see, are you going to prison? How long are you
6 going to prison for? What do you want to say?

7 THE DEFENDANT: I would say -- may I take off my
8 mask, Your Honor?

9 THE COURT: You may.

10 THE DEFENDANT: I think that anyone, regardless of
11 your political affiliations, should think more critically
12 about the consequences of your actions when participating in
13 activism.

14 MS. SHAW: Excuse me, I can't hear. Can Your Honor
15 hear?

16 THE COURT: Go ahead, pull that microphone a little
17 bit closer to you.

18 THE DEFENDANT: Sorry.

19 THE COURT: I know you're nervous, but go ahead.

20 THE DEFENDANT: Thank you. I would say my primary
21 concern for anyone who is watching this case and thinking of
22 consequences, is to think more critically than I would say I
23 did, about the intention that you put into how you interact
24 with your community and the impact of your actions on the
25 people around you, as well as the long-term consequences of

1 how you show up for political movements, regardless of your
2 affiliations.

3 One of the things that I've taken away from this case is,
4 regardless of how burnt out, or what my understanding of the
5 situation was, is that I didn't conduct myself with my best
6 judgment, and I wouldn't have put myself in this position
7 intentionally in any way. And that the consequences of my
8 actions have been far greater than just myself, but also my
9 community, and the ways in which I was able to help the
10 people around me. And that participating in a political
11 action in any form has long-term consequences for not just
12 yourself, but also for the people around you and who care
13 about you.

14 THE COURT: What else would you like to say?

15 THE DEFENDANT: I have a statement prepared, if
16 that's all right with Your Honor.

17 I want to first apologize for my role in the incident on
18 November 28th. I understand that there's no excuse for my
19 behavior. And I would also like to express that I would
20 never knowingly cause harm to my community. My comprehension
21 of the situation was severely lacking at the time, and I
22 didn't understand the extent of what I was doing, or the
23 possible consequences of my actions. Knowing that that's not
24 an excuse, I do now understand and am deeply sorry for both
25 the potential harm, as well as the impacts that my behavior

1 had.

2 A year ago, I was in the final quarter of my bachelor's
3 degree, and working a job that I dreamed of since the first
4 quarter of that degree. I dedicated my career and free time
5 for being a better resource for my community. And throwing
6 that away is not something I would do lightly.

7 In the next year, I hope to get back to where I was then,
8 working on my education, and my health, and being a
9 productive and stable community member. This time, with a
10 better perspective on the intention that I put into my
11 interactions with the community, and thinking more critically
12 in the ways that I've used poor judgment.

13 I want to also express that causing death or injury to
14 anyone in my community is not something that aligns with my
15 values, and it's not something that I ever planned to do.
16 Through all this, I also understand that my apology is just
17 words, and I would really hope to, in the coming year, show
18 through action that with therapy, addressing my health, and
19 building stability and work, that I can continue to become a
20 better community member.

21 Thank you, Your Honor.

22 THE COURT: Another question for you.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: What do you think about the label
25 "terrorist"?

1 THE DEFENDANT: I mean, I understand why it was
2 initially used. But I disagree with it. And I have been
3 personally hurt by it. I don't know that it's ever not going
4 to come up next to my name on a Google search. And I don't
5 know that -- I don't know, I'm pretty young, I don't know
6 what the long-term consequences of it are going to be. But
7 I'm not a fan. I don't quite know how to articulate my
8 feelings around it. It's complicated.

9 I disagree with how I've been labeled, but I understand
10 where it came from. I'm not sure if it answers your
11 question.

12 THE COURT: Would your answer be different if that
13 train that was coming right after that shunt was placed had
14 derailed and spilled thousands of gallons of crude oil into
15 that residential neighborhood?

16 THE DEFENDANT: My answer about my feelings around
17 the word "terrorist"?

18 THE COURT: Correct. Would it be applicable to you
19 then, at that point in time?

20 THE DEFENDANT: I think I would still understand
21 where it was coming from. But I didn't go into this with
22 larger political intentions, or even intentions to derail a
23 train. And I understand that that's not an excuse for my
24 behavior and it doesn't justify the way that I have conducted
25 myself leading up to this. But I would still feel that I'm

1 not politically aligned as a terrorist. But I would still be
2 understanding of why I'm labeled that way.

3 THE COURT: Did you read about the fact that on
4 September 25th, just a few days ago, an Amtrak train derailed
5 in Montana, I believe killing three people and injuring
6 scores more?

7 THE DEFENDANT: Yes, sir. Yes, Your Honor.

8 THE COURT: One final question for you.

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Because the press I'm sure is going to
11 report this, because the government is asking me to send you
12 to prison for a lengthy period of time in order to deter
13 others --

14 THE DEFENDANT: Um-hum.

15 THE COURT: -- I, for one, don't have any fear that
16 you will commit another crime like this again, but my job is
17 also to protect the community. The last question I have for
18 you is: Even giving credence to the potential goal, issues
19 with climate change, issues with materials like this being
20 transported over the railway lines, it's a very real
21 questions. A lot of young, intelligent individuals may feel
22 very strongly. How best should they attack or address this
23 issue and not put other people in danger?

24 THE DEFENDANT: Um, I would say respectfully, Your
25 Honor, I don't really have a comprehensive answer for that.

1 But I would say in terms of what makes a difference, I've
2 always found that on larger issues, like climate change, that
3 are largely very much out of the hands of, I feel, most
4 individuals, figuring out ways to contribute to your
5 community, and figuring out ways to impact your immediate
6 circle, is the most productive way to continue to make the
7 world a better place.

8 Because I don't think that there is anything that a single
9 individual can do that would radically change climate change.
10 But you can make an impact on the people around you. And you
11 can make your immediate environment better, and that is
12 something you could have a direct impact on. And focusing on
13 that is what I've found to be the most productive and
14 fulfilling.

15 THE COURT: Thank you.

16 Counsel, let me take a moment to check with our probation
17 officer, Ms. Moore.

18 Good morning. Thank you for your very thorough
19 presentence investigation report, and your recommendation as
20 well. Having heard from everyone this morning, is there
21 anything else you would like to say for our record?

22 THE PROBATION OFFICER: Good morning, Your Honor. I
23 would just like to say that this was a difficult case for our
24 office. I staffed it with members of my presentence team.
25 Just given the various factors, you know, I am impressed by

1 Sam's background, her acceptance of responsibility in this
2 case. And we are sympathetic to all the collateral
3 consequences of their actions. But in the end, we felt that
4 a term, a small custodial sentence of six months is warranted
5 to provide punishment for an offense that had considerable
6 consequences.

7 THE COURT: Thank you.

8 Counsel, there's no disagreement amongst the parties
9 regarding the calculation of the guideline range the court is
10 supposed to utilize here. The total offense level for
11 Samantha Brooks falls at 13. No countable criminal history,
12 therefore Category 1. That works out to an advisory range of
13 12 to 18 months in prison. There are no mandatory minimums
14 in this particular case the court has to consider. Of
15 course, the statutory provision is up to 20 years in prison.
16 Sam Brooks, the reason why this offense carries a potential
17 penalty of 20 years in prison is -- hopefully the lesson you
18 have learned since this occurred to you, that could have been
19 a terrible disaster that could have occurred there. I am
20 very familiar with that particular area, personally, because
21 I grew up in Whatcom County. I was just there for lunch back
22 in July, that very same area, that little park not very far
23 away from there, Marine View Drive.

24 While the court can certainly understand a potential
25 reason behind why someone may want to protest toxic materials

1 or even crude oil being transported along these rail lines,
2 the potential of what could have occurred is staggering.
3 Let's assume that no one got seriously hurt or injured, but
4 just let's assume that a small derailment occurred. Do you
5 have any idea how much money it would cost to clean up a
6 toxic oil spill in a residential area, how much damage would
7 have been done in terms of dollars?

8 Counsel, the court has taken all the factors that impact
9 sentencing into account, and will impose the following
10 sentence: In this particular case, as indicated, the court
11 will place Samantha Brooks on three years of supervised
12 release. During that period of three years, they are to
13 follow all of the conditions that are standard, as well as
14 the four -- or three, sorry, three special conditions, with
15 one small change, that have been recommended by probation.
16 Those three are as follows: Let me summarize them for
17 purposes of our record this morning.

18 No. 1, the defendant will participate, as directed, in a
19 mental health program, as approved by the United States
20 Probation office. To the extent they're able to contribute
21 towards the cost of those programs, and the defendant is
22 financially able to do so, that will be determined by
23 probation.

24 No. 2, the defendant will submit to property, person,
25 residences, storage units, computers, data-storage devices,

1 any media, to searches conducted by a U.S. Probation Officer
2 at a reasonable time and in a reasonable manner, based upon
3 reasonable suspicion of contraband, or evidence of a
4 violation of a condition of supervision.

5 The defendant is to warn any other occupants of any
6 premises occupied that they may be subject to searches,
7 pursuant to this condition.

8 No. 3, the defendant shall complete 200 hours of community
9 service, as directed and approved by U.S. Probation, to be
10 completed within the first two full years of being on
11 supervised release.

12 The court understands the guideline provisions for a fine
13 call for a fine of \$5,500 to \$55,000. However, the court
14 finds that this defendant does not have the current financial
15 ability to pay that fine. That will be waived by the court.
16 Restitution, thankfully, is not an issue in this case, it's
17 not applicable. By statute, by law, the court may not waive
18 the penalty and special assessment. One hundred dollars for
19 every felony count. There was only one count here, therefore
20 that is set at \$100.

21 That only leaves the amount of potential custodial time to
22 impose. The court is going to impose in this case six months
23 of custody, credit for any time served, to be followed by
24 four months of home confinement, electronic monitoring.
25 They've done really well on supervised release pending

1 sentencing. The recommendation by probation is to allow them
2 to self-report. The court will follow that recommendation.

3 MS. SHAW: Your Honor, does the court know if
4 Ms. Brooks would fulfill the terms of that sentence at FDC
5 Sea-Tac?

6 THE COURT: Yes, there would be no objection.

7 MS. SHAW: Thank you, Your Honor.

8 THE COURT: Mr. Kopczynski, do you have the proposed
9 judgment form?

10 MR. KOPCZYNSKI: No, Your Honor. I'm sorry, I did
11 not bring that.

12 THE PROBATION OFFICER: I have one, Your Honor.

13 MR. KOPCZYNSKI: Or at least I didn't bring a printed
14 copy. I apologize.

15 I apologize, Your Honor. This is my ignorance coming from
16 a different district, and I wasn't aware of the procedure
17 here.

18 THE PROBATION OFFICER: Did Your Honor intend for the
19 home detention component of location monitoring? So that's
20 kind of the second most restrictive. They would be confined
21 to their residence, except for medical, doctor, legal?

22 THE COURT: Yes.

23 MS. SHAW: Your Honor, my client, when they serve the
24 four months of electronic home monitoring, do they have
25 permission to work?

1 THE COURT: Absolutely. That would be part of it,
2 you know, and health visits, and other things like that.
3 Obviously everything going through probation.

4 MS. SHAW: Yes, Your Honor. Thank you.

5 Your Honor, I've reviewed the proposed judgment and
6 sentence. It comports with Your Honor's oral ruling.

7 THE COURT: Thank you, Ms. Shaw. You may approach.
8 Counsel, two final matters for the record.

9 Number one, as the proposed judgment form accurately
10 reflects the sentence imposed by the court, it's been dated,
11 signed, it may be filed with the clerk.

12 Number two, I would point out, I believe it's paragraph 14
13 of the parties' plea agreement, waives the defendant's right
14 to appeal the sentence, or any aspect of the sentence, so
15 long as the court imposed a custodial sentence within or
16 below the guideline range. The court went substantially
17 below the guideline range, therefore the terms of that
18 paragraph will apply.

19 And, finally, Samantha Brooks, courts don't sentence
20 people for who they are, but for what they do. You, from all
21 the letters of support that I received, from the fact that
22 these people are here for you today, says you have a lot of
23 support. You've also had a lot of challenges and a lot of
24 adversity in your life. There's no reason why you can't get
25 over this as well, because you have so much more positive to

1 contribute to society.

2 Good luck. All right?

3 THE DEFENDANT: Thank you, Your Honor.

4 THE COURT: We'll be at recess.

5 (Adjourned.)

6

7 C E R T I F I C A T E

8

9

10 I certify that the foregoing is a correct transcript from
11 the record of proceedings in the above-entitled matter.

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15 /s/ *Debbie Zurn*

16 DEBBIE ZURN
17 COURT REPORTER

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